

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 893 of 1998

Between:

- 1 Smt. Kurati Vijayamma W/o. Z.G.Franches Stephenson, Christian
Government Head Quarters Hospital Eluru
(West Godavari District)
- 2 Smt. N.Raveen W/o. N.V.Mrutyunjaya Rao, R/o.
Eluru West Godavari District

..... PETITIONERS

AND

- 1 The Executive Engineer A.P.Housing Board
Tadepallegudem West Godavari District
- 2 Competent Authority (C) A.P.Housing Board
Tadepallegudem West Godavari District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order, or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No.127/Ca/MIG-37/Vat.97, and 129/A7/CA/MIG.53/Vat.97, dt:26.12.1997 of the second respondent evicting the petitioners from MIG-53 and MIG-37 respectively is illegal, arbitrary, erroneous, high handed and against the fundamental rights guaranteed under Constitution of India and principles of natural justice and consequently direct the respondents not to evict the petitioners from the above said houses and also direct the respondents to allot the alternative houses to the petitioners as they were allotted with the houses of inferior quality.

Counsel for the Petitioners: MR.Y.V.RAVI PRASAD

Counsel for the Respondents: MR.D.RANGANATHA KUMAR

The Court made the following :

ORDER:

Heard the learned counsel on either side.

The petitioners filed this writ petition questioning the proceedings No.127/CA/MIG-37/Vat.97 and 129/A7/CA/MIG.53/Vat.97, dated 26-12-1997 issued by the second respondent directing for their eviction from MIG-53 and MIG-37 at Vatluru, Eluru respectively, for non-payment of instalment amounts due under their housing loans. Their contention is that inasmuch as construction of the houses was not properly made and repairs were not properly attended by the second respondent-Housing Board, they did not pay the instalments. Hence, the writ petition.

Denying the allegations made by the petitioners, the first respondent filed a detailed counter-affidavit.

The learned counsel for the petitioners submits that the petitioners may be granted four weeks time to pay the entire amount due under the housing loans.

In view of the above submission of the learned counsel for the petitioners, the writ petition is disposed of in the following terms:

The petitioners shall pay the amount due to the second respondent-Housing Board under the housing loans in question within a period of four weeks from today. If the petitioners fail to pay the amount within the said period, the respondents are at liberty to take appropriate action for recovery of the amount due from the petitioners under the housing loans in accordance with law.

N.V. RAMANA, J

Date: 04-03-2005

Svv

..... REGISTRAR

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SECTION OFFICER

To

- 1 The Executive Engineer A.P.Housing Board
Tadepallegudem West Godavari District
- 2 Competent Authority (C) A.P.Housing Board
Tadepallegudem West Godavari District

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